

# **TOWN OF LAUDERDALE-BY-THE-SEA**

## **TOWN COMMISSION**

### **REGULAR MEETING**

#### **MINUTES**

Jarvis Hall

***4505 Ocean Drive***

***Tuesday, November 13, 2012***

***7:00 P.M.***

#### **1. CALL TO ORDER, MAYOR ROSEANN MINNET**

Mayor Roseann Minnet called the meeting to order at 7:00 p.m. Also present were Vice Mayor Scot Sasser, Commissioner Mark Brown, Commissioner Stuart Dodd, Commissioner Chris Vincent, Town Attorney Susan L. Trevarthen, Town Manager Connie Hoffmann, Assistant Town Manager Bud Bentley, Finance Director Tony Bryan, and Town Clerk June White.

#### **2. PLEDGE OF ALLEGIANCE TO THE FLAG**

#### **3. INVOCATION - Pastor James Corgee**

Pastor James Corgee gave the Invocation.

#### **4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS**

Mayor Minnet added under presentations Chief Llerena would present the Annual COP (Citizen Observer Patrol) Award. Town staff asked for item 17G to be pulled.

#### **5. PRESENTATIONS**

##### **a) Annual COP (Citizen Observer Patrol) Awards (Chief Oscar Llerena)**

Chief Llerena noted, despite the Town's small size, its contribution to the County's COP program based on volunteers, hours and miles patrolled, placed the Town in the top third. This was an amazing contribution when compared to districts much larger than Lauderdale-By-The-Sea. He believed this was simply a reflection on the Town's residents, as every member of the Town's COP was a resident, so it was a true representation of the local community. Year-to-date, they contributed 1,050 hours to patrol the community. He acknowledged the contributions of COP volunteers Major Louis Barbara, Sergeant Louis Del Pozzo, June Lassel, and Colonel Bill Johansen, stating the recipient of the COP Annual Award was Major Mike San Miguel with 1,000

volunteer hours. He encouraged residents contact to Colonel Johansen if they were interested in becoming a COP volunteer, as they were always recruiting.

Major Mike San Miguel expressed his sincere gratitude for the acknowledgement of his service to the Town. The COP volunteers were convinced if they took care of their community, there would be less to worry about in the future.

Mayor Minnet thanked everyone for their service to the Town.

## 6. PUBLIC COMMENTS

Mayor Minnet opened the meeting for public comment.

Eric Yankwitt informed the Town Commission and residents that the Thanksgiving event which would take place on Thanksgiving Day at Jarvis Hall from 11:00 a.m. to 2:00 p.m. would be one of 45 locations in Broward County at which they expected to feed over 12,000 people. They reached out to the business community and received an overwhelming response with the provision of a variety of items, and it was heartwarming to see such an outpouring of support. He indicated the event was in its sixth year and had grown with time, and it was a wonderful opportunity to bring people without a place to spend Thanksgiving together. There would be music, a vocalist, a dance group, and a generally enjoyable environment in which residents could connect with each other. He thanked the Town Commission for its support for the event.

Edmund Malkoon mentioned over the last few years he witnessed many Town projects executed and saw the Town Commission and staff do a good job holding public forums and information sessions. However, lately, he noticed some large Town projects being given the go ahead without adequate public input, the two most recent being the Entryway Sign Project, and what he referred to as the "Eiffel Tower Parking Lot Sign" Project. He asked the Town Commission to be more mindful in the future. In relation to the parking lot sign, he realized the dais had only approved the concept, noting he disagreed with the designer's explanation that a 33-foot sign was necessary for the parking lot to be visible. An observation of the proposed location revealed no obstructions in any direction nor signs over the height of a car could be seen. He hoped the Town Commission would approve just the shelter with the lettering or parking symbol on the front. There was a distinction between maintaining and honoring what made the Town unique and trying to recreate it in a "Disneyesque" fashion. Mr. Malkoon expressed other concerns about changes and cost escalating for issues that should have been anticipated by the designer or architect. He wondered if vendors kept their prices low for approval and/or was the Town hiring the right qualified people to design these projects. He requested the Town Commission and staff show an overall cost of any project, immediate and projected, including the cost of maintenance and replacement, as his concern was the depletion of the fund balance and costs the Town would be expected to cover. His request was to facilitate transparency and allow for more informed decisions.

With no one else wishing to speak, Mayor Minnet closed the public comment portion of the meeting.

**7. PUBLIC SAFETY DISCUSSION**

None

**8. TOWN MANAGER REPORTS**

**a. Town Manager Status Report**

Town Manager Hoffmann reviewed her report, as contained in the backup, highlighting:

- Informational signs about turtle nesting had been developed; one would be placed near the Pavilion and the other at another portal.
- The Contractor housing the Chamber's Christmas tree indicated they could not put the tree up as it had not been refurbished, stating they had no time to do so at this late date. She spoke to a Pompano company about renting a tree

Vice Mayor Sasser asked why the Chamber informed the Town Manager so late about the status of the Christmas tree, and why the tree had not been refurbished, as he recalled the plan was for the tree to be refurbished for the 2012 holiday season.

Town Manager Hoffmann stressed that the contractual arrangement was between the Chamber and the tree company not the Town, and Town staff met with the Chamber the previous week to go over plans for the Christmas-By-The-Sea event. When asked by Town staff what was happening with the Christmas tree, Chamber representatives informed them they made numerous calls to the storage contractor that were not returned. The Chamber had an agreement with that company to make a payment and they would refurbish the tree, and that payment was never made. Apparently, over the past weekend, the owner of the company sent the Chamber a note stating, as they failed to make that payment, the tree was not refurbished. Town Manager Hoffmann felt the situation was a legal issue between the Chamber and that contractor and had nothing to do with the Town. She called the tree storage company and was advised the staff there knew nothing about the situation and would contact the owner of the company, who was out of town at the time.

Vice Mayor Sasser asked if any research had been done by Town staff on the cost of a new tree and, if so, should the Town purchase a new tree for the 2012 event.

Town Manager Hoffmann indicated she contacted another local company to determine what trees they had in stock and their prices. Her research revealed the minimum cost for a new tree they had in stock would be \$18,000, however that did not include decorations or installation, teardown, etc. The contact in Pompano suggested the Town rent a tree for 2012, and then take time to figure out what the Town needed, as the \$18,000 purchase could not be made without bidding it out, and there was insufficient

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time to take bids. She expected to get a quote on the rental price the following day, and if it was too high, Town staff was considering such alternatives as erecting lights in the shape of a Christmas tree. She would give the Commission the final options at the next Commission meeting.

Commissioner Vincent believed at the last Commission meeting when the subject matter was discussed, the indication was the tree could be used only one more time, and there was no discussion about its being refurbished. The figure quoted for a refurbishment was \$29,000 and a new tree was quoted as costing \$30,000, so the decision was to take no action either way.

Town Manager Hoffmann explained in the contract between the Chamber and the tree company, the price the latter quoted the Chamber included some refurbishing the tree, but not rebuilding it. She believed the present situation was due to a misunderstanding stemming from miscommunication.

Commissioner Vincent thought the breakdown appeared to be on the part of the owner of the storage company and not the Chamber.

Town Manager Hoffmann acknowledged everyone concerned was shocked at the response the tree storage company gave the Chamber.

Commissioner Dodd wondered if the Town Commission wished to authorize the spending of up to a set amount, such as \$18,000. He had no desire to hear the Town had no Christmas tree for the holiday season.

Town Attorney Trevarthen commented the Town Commission could waive the purchasing manual, and she could draft a resolution to memorialize that ruling.

Town Manager Hoffmann asked if the Town Commission was open to having lights in the shape of a tree if a tree could not be found at a reasonable price. If they were determined to have a tree, then she preferred that they assign her the authority as suggested by Commissioner Dodd or schedule a special Commission meeting for the coming Friday, by which time she would have the necessary information.

Commissioner Vincent preferred not to rush the purchase of a new Christmas tree. He was, however, supportive of making a one-time policy change for a possible \$20,000 purchase in the event a satisfactory tree was found. If not, he did not object to having lights in the shape of a Christmas tree, as an electrical contractor could be hired to put up an excellent display for the 2012 holiday season, and Town staff could focus on acquiring a new tree for 2013.

Vice Mayor Sasser questioned if the Pompano company currently had in stock a Christmas tree that the Town would be satisfied with purchasing.

Town Manager Hoffmann commented they had two trees in stock that were about the size that suited the Town's needs with appropriate lighting.

Vice Mayor Sasser felt comfortable approving the provision suggested by Commissioner Dodd if there was a tree that satisfied the Town's needs.

Town Manager Hoffmann understood most of the owners of such trees paid for the service to erect, take down, wash down, maintain and store the trees. Although the Town could store the tree, there would always be an annual cost to ensure the longevity of the tree.

Vice Mayor Sasser questioned whether the Town had staff with the talent to provide those services, having once seen the tree disassembled. However, it appeared there was a Commission consensus to move forward with purchasing a new one. He wanted to know what the cost to rent the tree would be, reiterating he would also be in favor of the provision to allow the Town Manager to purchase the tree, knowing it was be an expense the Town would take on at some point in the near future. The question was what would that do to the Town's budget.

Town Manager Hoffmann replied Town staff would have to appropriate the money from its contingencies. She recalled that to purchase a 24-foot tree was in the range of \$18,000, with a 26-foot tree costing a few thousand dollars more. The Chamber currently had a 28-foot tree.

Mayor Minnet wished to give the Town Manager a little more time to get more information and forward it to the Town Commission. She found the price of the 24-foot tree very expensive, as she dealt with Christmas tree lights and decoration in her business and had some knowledge of the industry. She understood that the Town's tree needed to be able to withstand the elements of the beach environment. The Town Commission could call a special meeting to appropriate funds for the purchase of a tree if needed.

Town Manager Hoffmann asked if there was a possibility of having a special meeting the coming Friday if she had the information by then.

Mayor Minnet indicated she could be present for a special meeting Friday afternoon, perhaps at 5:00 p.m., as she had a League of Cities meeting in Orlando and would be back on Friday. She asked if the Town needed to advertise the special meeting.

Town Attorney Trevarthen replied the procedures required 24-hours notice for a special meeting, and Town staff often tried to give a four-day notice.

Town Manager Hoffmann suggested the Town Commission could call a special meeting at the present meeting for November 16, 2012, at 5:00 p.m.

Vice Mayor Sasser stated he would not be available but could call in and give his input at the meeting.

Commissioner Dodd believed the cost to rent a tree would be expensive, due to the need of the rental company to bill in costs to recover on their investment in something that had a limited life span of a number of years. The Town was better off owning the tree. He would be present on Friday if a special meeting was scheduled, reiterating his suggestion to authorize the Manager to make a purchase up to \$20,000 if appropriate.

Vice Mayor Sasser wished to second Commissioner Dodd's motion.

Commissioner Vincent said the only point of discussion left was if the cost of the tree should include the incidental soft cost for putting up, taking down and other maintenance and storage.

The Town Manager replied those costs would be outside of the cost of the tree.

Commissioner Dodd made a motion to approve the Town Commission authorizing the Town Manager to spend up to \$20,000 on a new Christmas tree if a suitable one were found. Vice Mayor Sasser seconded the motion. The motion carried 4-1. Mayor Minnet voted no.

**9. TOWN ATTORNEY REPORT**

None

**10. APPROVAL OF MINUTES**

- a. September 11, 2012, Regular Commission Meeting Minutes
- b. September 24, 2012, Regular Commission Meeting Minutes

Commissioner Dodd made a motion to approve the minutes as listed. Vice Mayor Sasser seconded the motion. The motion carried 5-0.

**11. CONSENT AGENDA**

Vice Mayor Sasser made a motion to approve items 11a, 11b and 11c on the Consent Agenda. Commissioner Dodd seconded the motion. The motion carried 5-0.

- a. Special Event Application for The American Cancer Society's Relay for Life

Approved on consent.

- b. Design Standards Authorization

Approved on consent.

**c. Purchase of 2013 F-150 Truck**

Approved on consent.

**12. ORDINANCES – PUBLIC COMMENTS**

**1. Ordinances 1<sup>st</sup> Reading**

None

**2. Ordinances 2<sup>nd</sup> Reading**

**a. Ordinance 2012-16:** AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING ARTICLE V “ZONING” OF CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES, BY AMENDING SECTION 30-313 “GENERAL PROVISIONS” TO CREATE A NEW SUBSECTION ENTITLED “ROOFTOP PHOTOVOLTAIC SOLAR SYSTEMS,” PROVIDING FOR ROOFTOP PHOTOVOLTAIC SOLAR SYSTEMS AS PERMITTED ACCESSORY EQUIPMENT; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.

Mayor Minnet opened the discussion for public comment, which she closed upon receiving no input.

Commissioner Dodd made a motion to approve Ordinance 2012-16 on second reading. Commissioner Vincent seconded the motion. The motion carried 5-0

**b. Ordinance 2012-18:** AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE I. “IN GENERAL”, SECTION 30-20, “GENERAL PROVISIONS”, AND ARTICLE V. “ZONING”, SECTION 30-155, “DEFINITIONS”, TO CONSOLIDATE AND REVISE DEFINITIONS TO PROVIDE CLARITY, ELIMINATE DUPLICATION AND DELETE UNUSED DEFINITIONS; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.

Mayor Minnet opened the discussion for public comment, which she closed upon receiving no input.

Commissioner Dodd made a motion to approve Ordinance 2012-18 on second reading. Commissioner Brown seconded the motion. The motion carried 5-0

**c. Ordinance 2012-13:** AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 20, “UTILITIES,” OF THE

TOWN'S CODE OF ORDINANCES BY AMENDING ARTICLE II, "SANITARY SEWER SYSTEM," SECTION 20-19 "RATES AND CHARGES", AND SECTION 20-23 "DEFINITIONS" IN ORDER TO ADOPT REVISIONS TO THE SCHEDULE RATES AND CHARGES FOR SANITARY SEWAGE COLLECTION, TRANSMISSION AND DISPOSAL; AND PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.

Town Attorney Trevarthen stated Town staff wished the subject item to be deferred for discussion at another Commission meeting.

Town Manager Hoffmann explained the ordinance was advertised for the present meeting, but the notice going out on the back of the City of Fort Lauderdale bills had not gone out yet.

Finance Director Bryan stated the date of the hearing noticed on the bill from Fort Lauderdale would be November 27<sup>th</sup>. The Town was also doing a postcard notice that should be mailed within days that would also give notice of a public hearing on November 27<sup>th</sup>.

Commissioner Dodd thought the subject ordinance had been passed back to staff to find if there were any realistic percentages for restaurants as to how much water really went down their drains, as opposed to how much walked out the door. He understood one of the big restaurants in Town was actually metering their cooling towers. He thought Town staff needed more time to gather information on whether there could be a fair figure for restaurants.

Mayor Minnet sought confirmation that even though the ordinance would be deferred, it was still possible to have discussion on the matter at hand.

Town Attorney Trevarthen answered yes, as no action would be taken until November 27<sup>th</sup>.

Finance Director Bryan noted he asked Burton & Associates, the rate consultant, about available statistics for restaurants, and Burton stated there was no data he felt comfortable presenting to the Commission on which they could rely. Town staff was working on revising the ordinance to allow commercial users and large multifamily residential units to separately meter water usage that did not go into the sewer, such as that used for a water-cooling tower, that would not be factored into the calculation of their sewer bill.

Commissioner Vincent asked if in previous discussions of the subject matter, flow meters were discussed for customers wishing to use them.

Finance Director Bryan stated it was what Town staff proposed and was based on actual customer-by-customer usage, as opposed to providing some adjustment in the code that would be universally applied to certain classes of customers.



Commissioner Vincent inquired if the customer would have to pay for that hookup.

Finance Director answered that they would.

Mayor Minnet noted, after the last meeting when the issue of commercial rate users was brought up, she went online to research what other communities were doing. She later recommended to the Town Manager the possibility of commercial customers installing a separate meter to allow them to be charged only for the amount of water going through their sewers. This was similar to a landscape meter installed for a residential application. She thought it was important that there was another two weeks to allow the Town to explore items for which there might be recommendations for specific changes, as it was not a perfect science. There were opportunities to bring relief to many rate users, and if the Commission could do this for its businesses and residents then this was the direction in which to go.

Commissioner Vincent asked if Town staff could go ahead and do the homework with respect to a flow meter the Commission could accept and approve.

Town Manager Hoffmann pointed out Mr. Bryan already did research and found flow meters were quite costly.

Finance Director Bryan advised the user had to apply to Fort Lauderdale for the meter, and he was not sure if the approval was automatic. Fort Lauderdale staff told him a flow meter would be prohibitively expensive, but that a very affordable option was to install a deduct meter. The difference was a flow meter was installed under the ground and required considerable cost to purchase and maintain, whereas a deduct meter cost only \$300, plus installation, was above ground and a more realistic option.

Mayor Minnet commended staff for doing a thorough job in researching the matter.

Finance Director Bryan mentioned after the last meeting, he had the opportunity to speak with some of the local residents and business owners, and he realized there was a serious misunderstanding about the way the new rates would work. The message he wished them to understand was by reducing water consumption through the use of the deduct meter and water conservation, it was possible to significantly lower one's sewer bill. He said the projected bills in the analysis presented were based on average current consumption. If that consumption was reduced, the bill could be reduced and significantly.

Mayor Minnet commented on receiving a number of phone calls from businesses thanking Town staff for helping them to understand the process better.

Commissioner Dodd made a motion to table the second reading of Ordinance 2012-13 to the Commission meeting of November 27, 2012. Vice Mayor Sasser seconded the motion. The motion carried 5-0

**13. RESOLUTIONS – PUBLIC COMMENT**

**a. Resolution 2012-48: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA PROVIDING FOR ISSUANCE OF A NOTICE OF INTENT CONCERNING PENDING LAND DEVELOPMENT REGULATIONS TO REVISE THE TOWN'S CURRENT LAND DEVELOPMENT REGULATIONS RELATING TO DEVELOPMENT FEES; PROVIDING FOR APPLICABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

Mayor Minnet opened the discussion for public comment, which she closed upon receiving no input.

Commissioner Dodd made a motion to approve Resolution 2012-48. Commissioner Vincent seconded the motion. The motion carried 5-0.

**b. Resolution 2012-52: A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AUTHORIZING AND DIRECTING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A GRANT APPLICATION FOR FUNDS AVAILABLE THROUGH THE COMMUNITY DEVELOPMENT BLOCK GRANTS PROGRAM THROUGH BROWARD COUNTY FOR THE FISCAL YEAR 2013/2014; PROVIDING FOR REPEAL OF ANY CONFLICTING RESOLUTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Mayor Minnet opened the discussion for public comment, which she closed upon receiving no input.

Vice Mayor Sasser made a motion to approve Resolution 2012-52. Commissioner Dodd seconded the motion. The motion carried 5-0.

**14. QUASI-JUDICIAL PUBLIC HEARINGS**

None

**15. COMMISSION COMMENTS**

Commissioner Brown expressed his condolences to Michael Arker and his family on the death of his wife, Ellen. She was a wonderful woman, a great mother and grandmother, and a very talented person; the funeral was a very heartfelt one.

Vice Mayor Sasser echoed condolences for the Arker family, stating they were in his thoughts and prayers. He mentioned receiving numerous calls and hearing rumblings around the Town about some of the issues the Charter Review Board (CRB) was discussing, mainly the Town's building height limits. The CRB would be meeting on

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November 14. He felt he made it clear at the last Commission meeting that the Town Attorney should inform him of any recommended changes to building heights. He made a promise to the people that the Town's building heights would not be changed, as there was considerable angst in the community about that issue while he campaigned. Thus, he wished to clearly convey to the CRB that he was not interested in language that recommended the Town's building heights be increased.

Commissioner Dodd thanked everyone who volunteered and otherwise helped with the Town's Halloween events, giving special commendations to the core group of persons that always turned up whenever the Town needed the community's help for its events.

Commissioner Vincent sent his condolences to the Arker family, noting Michael Arker was a very dear friend, and he was sorry for the loss of his wife. He congratulated Commissioner Dodd for putting on a great Halloween event, acknowledging the outstanding community support and help that was always forthcoming for Town events.

Mayor Minnet extended her condolences to the Arker family, stating what Michael Arker and his family did for the Lauderdale-By-The-Sea community went beyond words. The Town's thoughts and prayers were with them to help them through this time. She wished everyone a safe and happy Thanksgiving, as the Commission would not meet before that holiday, and everyone had so much to be thankful for and was lucky to live in a community such as this. Additionally, the Town Commission stood strong when it came to the height limits set forth in the Town Charter. She indicated there had been considerable concern as to what constituted 44 feet, and it was important that definitions be clear, so they were easy for everyone to understand. Mayor Minnet stated she was very interested in seeing what recommendations the CRB would bring to the Commission and the public for their consideration. She encouraged all residents to remember and attend the CRB meeting, and give their input.

Town Attorney Trevarthen remarked on the upcoming CRB meeting, indicating there were two alternatives the CRB was considering; one was to simply clarify the language of the existing Town Charter, which itself was subject to interpretation. Secondly, they were considering other change to sections of the Charter, and they had yet to decide whether to bring either of those ideas forward for Commission review. She said the CRB had been eager for public input, so it was a great time for residents to come out and be heard.

Vice Mayor Sasser asked if the Town Commissioners could attend and speak at the CRB meetings, as they were publicly noticed and posted meetings.

Town Attorney Trevarthen answered yes, Town Commissioners could attend Town advisory board meetings, but they should be careful to note they are speaking on their own behalf.

Mayor Minnet noted she attended a number of the CRB meetings, though she could not attend the next one, as she would be attending a Florida League of Cities meeting in

Orlando. She encouraged members of the dais to attend the CRB meeting; it was scheduled for November 14, 2012, at 6:30 p.m. in Jarvis Hall.

**Recess/Reconvene**

**16. OLD BUSINESS**

**a. Public Input on Town Vision and Mission Statement (Town Manager Connie Hoffmann)**

Mayor Minnet wished to place the statements on SurveyMonkey® to get resident feedback before the Town Commission and staff proceeded. She thought the Commission should not approve the statements at the present meeting, as there was a need for public input first.

Vice Mayor Sasser agreed more public input was needed. He sought confirmation the Town's hotel industry was reinvigorated before placing that language in the statement.

Town Manager Hoffmann responded it was a future-looking statement, so it was written as if one were describing Lauderdale-By-The-Sea ten years from today. Putting the language in the statement meant the Town had to be very active in trying to help the hotel industry be reinvigorated. She noted *Town Topics* would not be published until January 2013, so Town staff could put out a survey question, asking people if they liked or disliked the statements, and if there were things they wished to change in addition to placing it on SurveyMonkey®.

Commissioner Brown remarked the Town Commission and staff put a lot of work into creating the proposed language for the statements, and the meeting to discuss the various statement options went very well. The statements the public was being asked to comment on were, therefore, a collaborative effort, and this was not the first time the Town Commission was seeing them. He welcomed public feedback.

Mayor Minnet added the statements should also be placed on the public cable channel 78, on the Town's website as a link.

Town Manager Hoffmann inquired if the Town Commission wished to schedule another meeting for further discussion on the goals of the Town's Strategic Plan.

Mayor Minnet received a Commissioner consensus to schedule the meeting for the December 4, 2012, at 6:30 p.m.

**b. Bougainvilla Drainage and Streetscape Project Issues (Project Manager Bill Cole)**

Town Manager Hoffmann remarked there were some decision points on landscaping, for this project and there was an item later on the agenda for Commission approval of

that contract. There was a legitimate reason the estimates changed as when Flynn Engineering did the estimates for the landscaping, it was based solely on the landscaping for Bougainvillea. She said the Town Commission asked that the landscaping be expanded to Washingtonia, to improve the entire area as there was more room for landscaping on Washingtonia than there was on Bougainvillea due to the parking issues on the latter street. Thus, the increase in the estimate was due to the Town increasing the scope of the project.

Project Manager Bill Cole concurred, stating the scope of landscaping had been doubled by adding the two blocks on Washingtonia. He went on to clarify the difference in the estimate for the stamped asphalt decorative treatments, indicating Flynn called the recommended supplier for the material, Street Print, a national organization, and they quoted the price contained in Flynn's estimate, \$25 per square yard. The local approved applicator however, Atlantic Paving in the Miami area, was quoting a considerably higher number (\$54 per square yard). There were only eight approved applicators for the subject project in the state. He began contacting the others and asking them to send in bids for the project.

Town Manager Hoffmann commented when she saw what was happening on the price, she asked Mr. Cole to research if there was an alternative to the particular application the designers were calling for.

Mr. Cole replied the City of Fort Lauderdale had some experience with alternative products and contractors but reported they were very disappointed with the results. They said within a few months, the material was fading and peeling, and they received many complaints. He noted the product and applicator recommended by the project architect was more expensive but it would last and was more attractive.

Town Manager Hoffmann added Town staff was recommending in the memo provided in the backup that the Town should go forward and place the stamped asphalt in the intersection only. However, the Town Attorney advised Town staff to seek written bids from the other applicators first, and those would be presented to the Commission at its next meeting. She stated the cost would be much higher than originally anticipated. To do the swales would be very costly and, given some of the other issues with the project, Town staff recommended not doing the swales or to defer that decision until the whole project was complete to determine if there were any funds remaining in the budget. She added the Commission needed to discuss another of staff's recommendation that, instead of milling and resurfacing the road, the Town should tear the road up and repave it entirely.

Mayor Minnet commented the above issues would be discussed and voted on later on in the agenda.

Commissioner Vincent, as a contractor, understood there were legitimate reasons estimates changed. The cost of materials fluctuated with supply and demand, and the geographic area played a significant role as well. He was unsure if the Town ought to

spend such a considerable sum; he was okay with the stamped asphalt in the intersection but not for the swales.

Commissioner Dodd sought clarification, as he thought the stamped asphalt was done on an existing pavement surface. If the recommendation was to dig up and replace the road, would it possible instead to just finish with a different color asphalt rather than using stamped asphalt as a separate treatment to make the swale area distinct from actual roadway.

Mr. Cole replied the stamped asphalt was a separate treatment and was a decorative element like icing on a cake. When the road was finished, the new top layer of asphalt was perfect for stamping, and the procedure was done over and above the paving of the road when it was finished and ready to be driven on. He said when the road was complete, the applicator would come in, prepare the asphalt through reheating, etc. and then stamp it; it was purely decorative.

Commissioner Dodd commented if it was purely decorative, other options should be considered, reiterating using another colored asphalt from that of the swale area.

Commissioner Brown believed the landscaping the Town was already making was a visual improvement in the swale area, so he agreed that, along with other problems with the project, stamping the swales was too expensive. The stamping should be done in the intersection only. He felt very puzzled the project called for so much landscaping for the two blocks of Washingtonia, as there were so few properties there and the property on the corner spent a considerable sum redoing their landscaping.

Town Manager Hoffmann noted that property owner installed liriopse; the Town's landscaping would be more lush and attractive. More landscape could be done on Washingtonia, as they did not have all the back out parking as they did on Bougainvillea.

Commissioner Brown thought it sounded as though the project would come in at the original budgeted amount of \$800,000.

Town Manager Hoffmann responded in 2011 she gave the Commission a very rough estimate, for budgetary purposes, of \$800,000 that included the design and construction. Though the project was later reduced to \$625,000 for construction plus \$75,000 for the design based on the engineer's estimate, repaving the road would increase the construction cost by up to \$90,000, so the cost was back up to the original \$800,000 total cost estimate.

Commissioner Brown sought confirmation the Town had no option but to repave the road, due to its being structurally unsound.

Town Manager Hoffmann replied some sections had to be repaved, while others could be cut and patched, but the staff felt the Town should do a quality project and repave the entire road.

Vice Mayor Sasser expressed similar concerns at spending money on over-landscaping. Many Bougainvilla residents rejected landscaping by their property, and he wondered if this led to overcompensating on landscaping elsewhere. Too much was being spent on the landscaping aspect of the project. Secondly, stamped asphalt was only for aesthetics, questioning if there were other options that might achieve the same purpose.

Town Manager Hoffmann stated an obvious alternative for the swales was pavers, but they were a maintenance headache and would likely cost the Town more in the long run. Another option was some concrete-base treatment, such as shell aggregate, but staff had not priced that possibility. While it would be cheaper than stamped asphalt, it made no sense to have cars leaking oil over such a surface.

Vice Mayor Sasser said he would like to explore more options for aesthetic improvement.

Town Manager Hoffmann noted if staff was being directed to do further exploration on surface materials, it would not be possible to approve an amendment to the contract now.

Town Manager Hoffmann pointed out if the Commission wished to cut back on the landscaping, Town staff had to go back and pull some quantities out of the bid.

Vice Mayor Sasser inquired as to the original budget for the landscaping and the current overage.

Town Manager Hoffmann stated \$25,000 was the cost of landscaping Bougainvilla only in the original plan.

Mr. Cole indicated the low bid for the landscaping was now \$55,000; it was double the scope, so it was a little over double the price. Mr. Cole indicated what would be done in the two blocks on Washingtonia constituted a little over 49 percent of the funds.

Vice Mayor Sasser felt if the Town was going to repave the street, it should be done right with no patching.

Commissioner Vincent felt complete repaving was preferable to any patching. He noted, with regard to the swale, though pavers would be cheaper, they were a nightmare to maintain, and it was important to maintain continuity in the capital improvements around the Town. He had no objection to the current scope of the landscaping, as he was mindful of what it would do for the Town and its residents.

Commissioner Dodd looked online and saw there was a way to color asphalt with a homogenous mix as opposed to a paint, similar to the way concrete was colored. He

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wanted staff to research the product and prices as another option, though he felt sure it was more expensive than regular asphalt but less expensive than stamped asphalt.

Mayor Minnet commented it was always disappointing when numbers came in higher, but when doing structural improvements, estimates usually increased due to some of the unknowns being revealed once the work began. Despite the prices being higher, the Town Commission and staff continued to work to ensure they were fair, and alternatives were being explored. She reminded everyone the project was in an older environment with older infrastructure, and these situations arose. She asked for a consensus on approving the stamped asphalt for the intersection only, not the swales, with an added cost of \$4,200.

Mr. Cole indicated to do the intersection was \$14,000, and the Town had \$10,000 in the original bid.

Mayor Minnet stated her position that only the intersection should have stamped asphalt and the whole road should be repaved. She was in favor of reducing the landscaping on Washingtonia. Regardless of whether it would create a lush, wonderful street, it was a lot to spend on such a small area, particular in light of the additional costs for the repaving.

Town Manager Hoffmann noted the stamped asphalt treatment of the intersection would come back to the dais, as it had to be bid out. Town staff needed direction from the Commission on the swales treatment in order to proceed with bidding.

Mayor Minnet asked the Commission if they wished to maintain asphalt on the swales or have decorative asphalt stamping..

Vice Mayor Sasser thought Town staff was going to explore other options before the Commission made its decision.

Commissioner Vincent reiterated not wanting to explore other options for the sake of having other options; whatever the decision was, it had to be something that could be carried through the rest of the Town for consistency in other improvements. It was a bad way to go just to do something for the sake of doing it cheaper, possibly regretting it later. He said everyone already knew what an asphalt swale would look like, as they were already in the Town, or the stamped asphalt if so chosen. But if cost was a deciding issue, and pavers were not a feasible long-run option, then it was best to stay with the asphalt.

Vice Mayor Sasser wondered how to make such a determination without any knowledge of the options available; regular asphalt was the least aesthetically pleasing so far.

Mayor Minnet urged fellow Commissioners to be considerate of each other's right to have a difference of opinion.



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Commissioner Dodd wished to make a motion for Town staff to research and inform the Commission of their findings regarding alternatives and pricing, rather than spoiling the project with only asphalt if there were other suitable surfaces available.

Commissioner Brown noted the road was already torn up and the project was underway, questioning the timeframe available to explore surface options

Mr. Cole replied the project team learned that if the Town chose to do tinted asphalt, it would only be on the final inch to an inch and a half of the road surface, and that would be done at the end of the project. Thus, the matter of discussion was not time sensitive, and the main direction needed from the Commission was whether to repave the road. There appeared to be a Commission consensus to move forward with that work.

Commissioner Brown agreed, as long as there were no time constraints, there was no harm in Town staff checking around to see if there were other road surface finishes that might suit the Town. He thought the trees and the landscape aisles would provide a significant aesthetic improvement, so the Town did not necessarily have to do something other than asphalt.

Commissioner Dodd made a motion to repave the whole road and direct staff to conduct research on other alternatives for road surface finishes along with pricing. Vice Mayor Sasser seconded the motion. The motion carried 5-0.

Mayor Minnet recapped there was discussion on possibly reducing the scope of the landscaping, and she sought stronger direction for staff to proceed. She was in favor of reducing the scope of the landscaping.

Vice Mayor Sasser concurred, noting the reduction should be based on a target budget for the landscape architect to work up to.

Mayor Minnet thought the budget for the landscaping portion of the project should be reduced by up to 25 percent, as this would make up for the \$4,800 in additional cost to put stamped asphalt in the intersection. Thus, the motion would be to approve the landscaping portion of the project but reduce the budget by 25 percent on Washingtonia.

Vice Mayor Sasser made a motion to reduce the landscaping portion of the project on Washingtonia by 25 percent. Commissioner Dodd seconded the motion. The motion carried 4-1. Commissioner Vincent voted no.

Mr. Cole desired direction on the sewer laterals.

Town Manager Hoffmann remarked those had to be done, and the funding would come out of the sewer fund rather than the budget for the subject project.

Commissioner Dodd asked if a motion was needed for the movement of the money allocated for the project.

Town Manager Hoffmann felt that matter should be brought back at the next Commission meeting. If the treatment of the swales were to be changed, it could affect the work authorization amendment.

### **Recess/Reconvene**

Town Attorney Trevarthen commented the Commission indicated earlier in the meeting on the Christmas tree issue that it wished to waive the purchasing procedure in the event that action was needed. However, this was not clearly indicated on the record, so the Town Manager and she wanted to ensure this was the intent of the Town Commission. She said Town Manager Hoffmann would avoid waiving the purchasing manual if possible, but if she had to, she would be covered. A Resolution to that effect would be prepared upon the Commission's affirmative response.

Commissioner Dodd affirmed that was the intent of his motion.

### **17. NEW BUSINESS**

#### **a. AMR Agreement (Finance Director Tony Bryan)**

Finance Director Bryan reviewed the details of the proposed agreement as reflected in the backup. Town staff recommended approval. He extended thanks to Chief Liddle, commenting the Chief and AMR's manager were both accommodating to Town staff requests, many of which were made to protect the Town's interest.

Town Manager Hoffmann stated, along with additional safeguards the Town received, there would be no cost increase over the life of the proposed contract; that is, there would be no automatic four-percent increase which would result in significant savings for the Town.

Commissioner Brown congratulated AMR and Town staff for a successful negotiation, as it was a type of double win for the Town, getting rid of the bad provisions in the old contract, and the new contract would be less expensive for the Town. Referring to a number of bullet points in the backup, he asked if the words of the seventh bullet, "... identify the Town from injuries ..." should say, "... indemnify the Town from injuries ..."?

Finance Director Bryan answered yes.

Commissioner Dodd thanked AMR and Mr. Bryan for reaching a better agreement that was beneficial to all concerned. The residents of the Town got an excellent response time for all medical problems, responding to 98 percent of medical calls under four minutes. He thanked AMR for the past three years of exemplary service.

Vice Mayor Sasser agreed the contract was a good one, thanking Chief Liddle, Mr. Bryan and all Town and AMR staff involved in drafting the proposed agreement. He understood the new contract would eliminate the automatic increase but there were no other savings.

Finance Director Bryan replied if the Town did not execute the proposed contract, there would have been an automatic four-percent increase that would apply in the current fiscal 2013, Going forward, the cost was fixed at no increase.

Commissioner Dodd made a motion to authorize the Town Manager to execute the proposed AMR agreement as presented. Seconded by Vice Mayor Sasser. The motion carried 5-0.

**b. Town Manager Performance Evaluation (Town Clerk June White)**

Town Clerk White noted she received all the Commission evaluations and the results were tallied, indicating the overall rating score was 4.63.

Vice Mayor Sasser took such evaluations very seriously and thought it important to include areas in which improvement was desired. Town Manager Hoffmann was a very good Town Manager, but there was always room for improvement. As he went through the evaluation, he found it quite difficult, as a number of the things he thought needed improvement were areas in which the Town Commission could improve on facilitating the Town Manager's improving. One example was in the area of giving directions. He thanked Town Manager Hoffmann for always listening to his input, as he appreciated it always being taken professionally.

Commissioner Brown congratulated Town Manager Hoffmann on outstanding scores. His area of confusion was between the scoring of a four and a five, as a four was "more than satisfactory" and a five was "exceeded expectations", and it seemed to him a score of four rated performance higher than a score of five. It was in this area his numbers came down a bit, as he believed Town Manager Hoffmann had done more than satisfactory in many of the categories listed. He thought for the next year the format of the evaluation could be tweaked.

Commissioner Dodd felt when comparing what the Town Commission and the previous management team achieved between 2008 and 2010 to what had been achieved over the last two years, it gave an idea of how hard the Town Manager and her staff worked. In that short timeframe, the Town Manager had to make a true and full assessment of the situation before presenting to the Commission what could realistically be achieved. He thoroughly enjoyed being a part of the Town's team. He liked to provide the positive input needed to achieve the goals set, and he was happy to leave it up to the Town Manager's discretion to determine the merit bonuses given to Town staff. This should not, however, be at the expense of her own deserved merit award. Any award to the Town Manager should be at the Town Commissioner's discretion and not influence the

funds available to the Manager and how she chose to distribute it to her staff in the form of staff bonuses.

Commissioner Vincent commented it was amazing to look at the ratings on the factors of the evaluation, as there was common ground among all members of the Commission with regard to the ratings; there were only minimum differences in scores. This meant the Town Commission was in unison on most aspects of the evaluation. He constantly received comments about how lucky Lauderdale-By-The-Sea was to have Connie Hoffmann as their Town Manager. The Town Commission and public knew they were blessed to have her as their Town Manager. Commissioner Vincent always said the Town was fortunate Town Manager Hoffmann applied for the job and, to date, he neither saw nor heard anything to make him feel differently. He thanked Town Manager Hoffmann for all she did for the Town.

Mayor Minnet wondered if a different type of evaluation form should be looked into, possibly in six months time, but before the next evaluation, as the existing form was inherited. She thanked the Town Manager for the great job she did for the Town, stating to the Town's residents, businesses and visitors that it was always different looking through the door versus being inside the room. Anyone having questions and concerns about how the Town was being run was urged to speak to the Town Commission, Town Manager and staff, as it was important to have open thoughts and ideas. She recalled when running for election she said people might not always like what she had to say, but they would know why she said it. Everyone should remember this moving forward, as it would facilitate a better understanding of why things were the way they were. She too enjoyed working with the Town Commission and the Town Manager.

Town Manager Hoffmann acknowledged the Town Commission's commendations for the job she was doing, stating she was very appreciative of the evaluation and the details it contained. She felt surprise at getting significantly better marks on the present evaluation than on the previous year's and considered why there was a difference. She concluded that key additions to Town staff dramatically improved the quality and amount of work being done. She would not have received the scores in the evaluation without the current Town staff backing her up every day. She thanked her staff for all the support they gave her. When asked by other city managers what the Town Commission was like, she told them they were like those great commissions of 25 years ago that few cities had any more. In looking at how other cities operated and the relationship their managers had with their commissions, she observed that the Town's Commission was almost apolitical as compared to other Commissions where elected officials constantly jostled for power, and strove to put themselves forward for recognition at others' expense. She said it was a real pleasure and honor for her to work with the Town Commission, as it was comprised of intelligent individuals with distinct personalities, and with a common sense of pride in their Town and a desire to improve the Town.

c. Update on PACE (Property Assessed Clean Energy) Programs (Town Attorney Susan Trevarthen)

Yann Brandt commented he brought the subject item to the Commission's attention via email due to it being a complicated topic and not something necessarily happening at the Town Commission level but was happening at the County Commission level. He thought the essential issue was PACE allowed private lenders to recoup investments in a variety of select equipment as approved by the State Legislature, getting back dollars through voluntary non-ad valorem assessments. Thus, individual property owners had the ability to enter into such an agreement for the life of that equipment up to 20 years and paid a private lender, so public dollars were not involved. He believed the Town and its property owners might be affected, as lenders such as Fannie Mae and Freddy Mac claimed property taxes subordinated mortgages. There was an open threat from these lenders where they stated any market allowing for residential PACE to happen might see penalties put in effect, such as bigger down payments, higher interest rates, prepayment accelerations, etc. Mr. Brandt asked the Town to ask the County to put residential on pause until the litigation involving Fannie Mae and Freddy Mac was resolved, and only pursue commercial. He supported PACE as a very good tool.

Town Attorney Trevarthen reviewed her memo contained in the backup, noting the major issue with programs such as PACE was whether or not they encompassed residential. She believed the Fannie Mae/Freddie Mac problem was related to residential, four units or fewer. Though some interpreted commercial to mean truly nonresidential, it categorized large or multifamily residential and commercial as one, and they were not affected by the subject issue. This was an important policy topic and, were the Town to adopt a PACE program, the Town Commission would have to decide.

Mayor Minnet recalled bringing the PACE idea up to the Town in past.

Vice Mayor Sasser proposed the Town consider directing staff to draw up a resolution to send to Broward County stating they wished to wait and see what resulted from the current litigation, but it was not intended to mean the Town was against it.

Mayor Minnet mentioned at the last League of Cities meeting, she spoke to Dr. Jurado and Dr. Gasman who were County staff involved with the PACE project. She thought they would be pleased to attend and speak at a Commission meeting before the Commission considered a drafted the resolution. There could be a discussion on what the PACE program was about with their input, and enable the Town to get a better idea of the perspectives of the County, residents and business owners.

Vice Mayor Sasser stated he had no objection to Mayor Minnet's suggestions.

Mayor Minnet asked Town staff to contact a County representative to come and discuss the PACE Program.

**d. Ranking Proposals for IT Support Services (Finance Director Tony Bryan and Assistant Town Manager Bud Bentley)**

Finance Director Bryan reviewed the backup documents. Town staff recommended approval of Option A.

Commissioner Vincent asked about the frequency of IT calls the Town had in prior years with no IT support services contract, when they were called as needed.

Mr. Bryan replied, before he worked with the Town, there was a service contract with a fixed monthly amount paid for general support service and an hourly rate charged for service outside the defined parameters. His personal thought on the matter was the Town did not get much for the fixed price it paid, and for the service the Town needed on an hourly basis; he thought it was a bad deal for the Town.

Commissioner Vincent wished to confirm a yearly contract of \$30,000 was fair and equitable, if it was similar to what was spent in the past, and if it would provide the ongoing support services the Town needed with the recent system upgrades.

Mr. Bryan referred to the other pricing proposals, some of which were much more than \$30,000. At present, due to the hourly cost to fix issues, he believed needed repairs were not being made so as not to incur further cost above the fixed price the Town already paid. To keep costs down, he spent considerable time dealing with IT issues instead of doing the finance-related tasks he should be doing. They looked at what the Town paid for the IT services in 2011, and it was not an apples to apples comparison to what was being proposed. He noted the proposed IT support would provide 24 hours a day, seven days a week proactive monitoring. The new vendor would tell Town staff something was going bad before staff realized it. He mentioned the Town experienced a number of outages over the past year or two with UBS and other failures that usually happened over the weekend when no one was in office when it happened. This vendor would be monitoring the system and know when a USB was failing

Commissioner Vincent asked if Town staff could monitor the level of usage of the proposed IT support services under the new contract for the first year; that is, the number of calls for service by the Town and the hours the service provider put in. He thought the provider could give the Town a type of statement detailing the number of calls for service and how long they spent rectifying those issues. In this way, at the end of the year, those factors could be compared with those of previous years as a further justification of the subject expense and the possible illustration of savings.

Mr. Bryan answered yes.

Commissioner Dodd inquired if he would be technically correct in assuming that what the Town Commission was being asked to approve was a contract with a fixed cost to do ongoing system maintenance.

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Mr. Bryan affirmed it was, along with desktop support. The contract was for regular support and would not cover special projects, such as if the Town completely rewired its computer systems.

Commissioner Dodd questioned how safe were the Town's backups, and what was the arrangement for the Town's computer systems in the face of a natural disaster, wondering if the contract included a backup of the Town's information at a remote site.

Mr. Bryan responded the Town already had backup mechanisms. There were local backups that occurred every day and were on low, portable hard drives; the big systems, such as laserfiche, were backed up twice a week, as they did not change as much. In the face of a natural disaster, the local backups would be gone, but the Town had an offsite backup to a cloud through eSilo, so that information could be recovered, and that backup took place daily. The proposed support service provider already gave Town staff suggestions of things they thought were better than present practices, though an agreement for backup services would have to be with a separate provider.

Commissioner Dodd wished to affirm none of the services the proposed contract covered included security, safety or routine procedures for backup.

Mr. Bryan replied the proposed contract covered security and safety, but not backups.

Vice Mayor Sasser questioned how many hours of the proposed IT support services Mr. Bryan expected the Town to use on a monthly basis.

Mr. Bryan said he could not say, as the rationale behind the recommended service contract stemmed from Town staff asking Assistant Town Manager Bentley and him to fix computer issues, which they tried to determine the cause of but many of which they could not fix. However, if Town staff knew there was an IT support service they could call when problems arose, the frequency of calls would increase over those seen at present. He remained convinced the Town would get its money's worth out of the proposed service contract.

Vice Mayor Sasser thought "unlimited" was not always the best deal possible, suggesting the Town start off at the lower price of Option B and monitor the situation. The decision could then be made to go to Option A, the more expensive model, if the number of calls for service warranted it. In this way, he could feel comfortable knowing the Town was not overpaying for the service.

Mr. Bryan noted his recommendation would be the other way around; that is, go with Option A first and, after seeing the amount of usage, determine in a year if Option B was more in line with the Town's needs.

Vice Mayor Sasser wondered if the calls for service would initially increase because they could; he knew in the first few months, there might be a higher volume of calls to rectify issues, but those would taper off and stabilize as issues were corrected in time.

Commissioner Vincent clarified he was not advocating for the selection an option other than that recommended by Town staff. He simply meant to learn if the calculated daily use of IT services based on the amount of the contract was something Mr. Bryan anticipated the Town would use.

Mr. Bryan stood by his recommendation.

Town Manager Hoffmann pointed out what could not be quantified was lost productivity, and there had been a considerable amount of that with Town staff being frustrated trying to figure out how to get something to work. Mr. Bryan had been called on repeatedly to try to solve computer problems in an effort to avoid calling the outside contractor.

Mr. Bryan remarked on being at Town Hall until 11:30 p.m. some nights dealing with IT issues, along with the hours he spent during the week doing the same.

Vice Mayor Sasser clarified he was not trying to say Town staff did not need the support, it was just that he thought Option B was a better choice in the beginning.

Town Manager Hoffmann queried if it were possible for the Town to initially enter in a contract for the lower amount, Option B, with the proposed IT support provider, and at the end of six months determine if a switch to Option A was needed.

Robert, the vendor representative, indicated the Town currently had a contract modeled on Option B. If the system went down, added to the pressure of fixing the system would be Town staff's concern with how long it would take to fix the problem. He impressed upon Mr. Bryan this was a situation he wished to prevent, noting his staff and he looked at all the Town's equipment, with a reduced the rate if the Town wished to replace the service, and everything went into one plan. Option B was provided just to give the Town that option but it was not recommended.

Town Manager Hoffmann asked if there was a hybrid option.

Robert stated, for at least the first three months they expected an extremely high call volume for their services by Town staff, after which it should stabilize. The number of complaints would lessen significantly regarding calls to fix the same problem and allegations that a problem was never properly fixed. Option A was the best model to establish and foster a good, long-term relationship.

Vice Mayor Sasser asked if it were possible to start out with Option B and, if the it was discovered the level of service made Option A preferable, a switch could be made and the contract extended accordingly.

Robert mentioned the customer references included in the backup were all once in the same situation as the Town, and though the Town paid for the software, their service



did include restoration from backups. With Option A, the Town got an IT support team, but with an hourly arrangement, one team member would take care of the call for service. He noted if the service technician was called for one issue but asked to fix others while onsite, he now had to try to fix all problems in an allotted timeframe and risked not fixing them all properly. There were remote tools they could use to work on the Town's systems under the unlimited plan, whereby repairs could be done by a service technician "remoting into" the Town's system offsite, probably rectifying the problem quicker. He remarked, with the hourly service in Option B, most times when problems arose, a technician was sent to the physical site, so the time to fix the problem was properly billed. The two options were given, one to match what the Town currently had, and the other to recommend an agreement that would be an improvement of the existing service.

Michael Zenetti with the vendor noted with Option A, the managed services concept, there were no surprises both as to the billables on a monthly basis or with regard to projects. They offered preventive service and noticed when problems could arise and had to be fixed in the future; those could be identified prior to the system going down. The proposed contract provided a steady flow of service throughout the year.

Commissioner Vincent commented if the Town was on an hourly-basis arrangement with a service provider, the latter was being trusted to provide that service based on an honor system. The hope was that the provider would give preventive service, and he was comfortable with the fact that the service technicians had no desire to continuously visit the Town, as they would lose money doing that. He believed Option B was more of an administrative nightmare for Town staff, as they would have to track the number of calls for service and hours of service provided. Nor did he not want the Town Manager having to argue with the provider over differences in the number of hours billed versus the number of hours Town staff felt were spent rectifying problems. He was comfortable with going with Option A and monitoring the number of service hours for the first year and making an adjustment if deemed in the Town's best interest financially at that time. Commissioner Vincent had no wish to go on the honor system for the present, as he respected staff's recommendation as being based on what they felt fulfilled their needs.

Vice Mayor Sasser asked what amount had the Town budgeted for the subject service.

Town Manager Hoffmann replied \$40,000 was budgeted for the combination of service and equipment; she was not aware the Town presently had any big equipment needs.

Finance Director Bryan felt the Town needed to upgrade its exchange server, as the current server was on a very old version of exchange that was at the end of its life. If the Town contracted with the proposed service provider, they quoted about \$8,000 to upgrade the exchange server, this included the hardware and the labor.

Commissioner Dodd questioned if there were any more recommended upgrades from the proposed provider with regard to the Town's computer system to get it to a level that the provider felt comfortable maintaining.

Finance Director Bryan pointed out the recommendations came from Town staff not the provider. They were services staff included in the agreement, along with other potential projects placed in the proposal sent out to all the vendors that responded to the RFP.

The vendor's representative responded the Town's system was currently on the 2003 server exchange that had been obsolete for about three years, and there were a number of other obsolete systems they noticed within the Town's system. For instance, security was not in place for some of the personal computers (PCs), as they were not on the "domain" where the server managed all permissions. At a very base level, this was their quote to Mr. Bryan that the Town needed to upgrade its exchange server, as it would upgrade everything, including email for multiple devices; this was the core of the Town's system. The situation regarding wireless service and switches still needed to be looked at. He said they were ready to take over the system regardless, as they felt they could provide the Town with well-needed tech support, realizing the service utilization by Town staff would initially be very high, at least in the beginning months. The \$1,320 in the monthly breakdown was for labor costs, which had been drastically reduced in order to work with the Town. The Town would own all equipment and software licenses.

Mayor Minnet inquired how many calls per day on average did Mr. Bryan get to help staff with some computer issue.

Finance Director Bryan replied it varied.

Mayor Minnet supported staff's recommendation to go with Option A, despite the concern expressed by other members of the Commission that the figure for the contract and needed upgrade was close to the budgeted amount. It sounded as though if the Town went with Option B, there could be additional uncontrolled items.

Finance Director Bryan noted the RFP asked for a three-year agreement, but the contract had yet to be negotiated. In the recent AMR contract, the Town renegotiated the "termination for convenience" clause, and this could be worked on in the proposed contract to give the Town an out if the arrangement later proved unsatisfactory.

Commissioner Dodd preferred a one-year agreement to start or some "termination for convenience" clause and have Town staff monitor both hours and quality of service.

Town Attorney Trevarthen inquired if, in changing the length of the contract from three years to one year, the agreement should include options to renew for the Town.

The vendor's representative indicated they did not object to a one-year contract.

Mayor Minnet wondered if there could be a problem with the other bidders if the Town changed the terms of the RFP's from a three-year to a one-year contract.

Assistant Town Manager Bentley felt with a one-year contract the terms were less favorable for the vendor.

Town Attorney Trevarthen concurred, stating in another situation where the Town reduced the length of the contract, the vendor felt the change to be detrimental to them.

Commissioner Vincent made a motion to approve Town staff's recommendation to go with Option A after the form of the agreement was approved by the Town Attorney, amending it to a one-year contract as noted above. The motion was seconded by Commissioner Dodd. The motion carried 5-0.

e. Consideration of an Ad-Hoc Public School Committee (Mayor Roseann Minnet)

Mayor Minnet mentioned receiving a letter from the Superintendent of Schools regarding input sessions on school boundaries, and she realized, as there were no schools in the Town, many residents' voices went unheard. A few months ago, she received calls from residents about problems with the public school buses, which she was sure other members of the Town Commission received, and they contacted the School Board representative to rectify the situation. Regarding the subject letter, she wished to determine if the Town Commission was interested in appointing an ad-hoc committee of residents with school-aged children who represented their interests in the Town for the boundary hearings. The Commission could go out and talk to the residents with children enrolled in the public school system and ask if they were interested in being on an ad-hoc committee to monitor what the School Board was doing. Another alternative would be to leave it up to the Town Commission to convey resident concerns related to boundary issues of the public school system to the School Board. She was happy to attend the meetings as much as was possible, which she currently did, and continue to speak to the Superintendent of Schools on behalf of the parents to get the information they needed.

Commissioner Brown felt the Town had a School Board representative and preferred to work through that person, as was the case with the County Commissioner or state representative for the Town. Once or twice a year, the School Board representative could attend a Town meeting, make a presentation, and answer questions or address voiced concerns.

Commissioner Dodd supported anything that could be done to improve the situation of residents with children in the public school system. Every effort should be made by the Town to draw attention to the Broward County School Board that the boundaries were unfair to the residents of the Town; these residents were taxpayers, and their children attended overcrowded schools.

Vice Mayor Sasser concurred with Commissioner Dodd's sentiments and would lend his support where needed. Though his child did not attend a public school, he worried about what was happening in the public school system that he was unaware of.

However, he wanted a committee that was less formal and able to accomplish tasks without getting involved in excessive requirements. He remarked the previous problem mentioned by Mayor Minnet, noting once the Town's School Board representative was contacted, immediate steps were taken to resolve the matter. Thus, this was an instant where speaking out got things done, and communication with the School Board should be increased, so the system worked better for the residents using the service.

Town Attorney Trevarthen mentioned serving on the Broward League Cities education committee, and one of the projects for the current year was to take an inventory of how many cities had education advisory boards. Though the Town did not have one, like a number of other cities, the League had as a standing work item for their education committee to reach out and encourage all cities to create a standing education advisory committee. She said at their recent committee meeting, they discussed the upcoming boundary process, as 2013 was expected to be a critical year for boundaries in many ways. In January 2013 there would be meetings through the Oversight Committee, of which half its members were appointed by the League, so there was a strong voice for local municipalities. She indicated, from experience, speaking out mattered, and the Town could make a difference giving voice to the task of the inter local agreement. The new Superintendent of Schools agreed to continue meeting with the mayors of local governments, and this was another avenue by which to get the Town's voice heard.

Commissioner Vincent expressed his agreement and support of any efforts on behalf of the Town's parents with children in the public school system, including the formation of an ad-hoc committee. He agreed with Commissioner Brown that the Town should continue to communicate with its School Board representative, so they could advocate on the Town's behalf in a useful way.

Mayor Minnet summarized it appeared the Town Commission's position was to continue to do its best to represent the needs of its residents and children, and the Town should invite the School Board representative to make a presentation. She had never known in her years of serving on the Commission that representative to attend a Commission meeting and speak.

Town Attorney Trevarthen added for some cities it was routine for their School Board representative to attend and sometimes speak at Commission meetings.

Vice Mayor Sasser desired more information from the League of Cities on some best practices the Town could institute with regard to the representation of parents' and their children's needs, etc. It was important for the Town not to put a process in place that circumvented any existing process, particularly the communication process between the Town and the School Board.

Mayor Minnet stated she would take care of getting the information as the Town's League of Cities representative, and she would ensure a School Board member was scheduled to come and speak at a future Town Commission meeting.

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Based on the earlier discussion, Town Manager Hoffmann wished to pull the next two items, and Town staff would bring them back for discussion at a future Town Commission meeting.

- f. Bougainvilla Project: Amendment to E&M Equipment's Work Authorization (Project Manager Bill Cole)


Discussion deferred to a future Town Commission meeting.

- g. Bougainvilla Project: Intersection Treatment Contract (Project Manager Bill Cole)

Discussion deferred to a future Town Commission meeting.


**18. ADJOURNMENT**

Commissioner Dodd made a motion to adjourn. With no further business before the Commission, Mayor Minnet adjourned the meeting at 10:40 p.m.



Mayor Roseann Minnet

ATTEST:



Town Clerk, Vanessa Castillo

4/2/13  
Date